

1 UNITED STATES DISTRICT COURT
2 THE DISTRICT OF NEW HAMPSHIRE
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5 KRISTINA RAPUANO, VASSIKI CHAUHAN,)
6 SASHA BRIETZKE, ANNEMARIE BROWN,)
7 ANDREA COURTNEY, MARISSA EVANS,)
8 JANE DOE, JANE DOE 2, and JANE DOE 3,)

Case No.: 1:18-cv-01070-LM

9 *Plaintiffs, on behalf of*
10 *themselves and all others similarly situated,*
11 *v.*

**DECLARATION OF SARA
SCHWERMER-SWEEN
FOR RUST CONSULTING, INC.**

12 TRUSTEES OF DARTMOUTH COLLEGE,
13 *Defendant.*
14

15 I, Sara Schwermer-Sween, declare as follows:
16

17 1. I am Sara Schwermer-Sween for Rust Consulting, Inc. (“Rust”). My business address
18 is 625 Marquette Avenue, Suite 900, Minneapolis, Minnesota 55402-2469. My telephone number
19 is (612) 359-2077. I am over twenty-one years of age and am authorized to make this declaration
20 on behalf of Rust and myself.

21 2. Rust has extensive experience in class action matters, having provided services in
22 class action settlements involving antitrust, securities fraud, property damage, employment
23 discrimination, employment wage and hour, product liability, insurance and consumer issues. We
24 have provided notification and/or claims administration services in more than 6,000 cases. Of these,
25 approximately 3,000 were Labor & Employment cases.

26 3. Rust was engaged by Counsel for the Plaintiffs (“Counsel”) to provide settlement
27 notification and administration services in the *Rapuno, et. al. v. Trustees of Dartmouth College*
28 Settlement (“Settlement”). As the Settlement Administrator, Rust’s duties include: a) locating Class
Members through reasonable efforts; b) preparing and printing the Notice of Settlement of Class
Action and Confidential Claim Form papers (collectively known as the “Class Notice”); c) receiving

1 and reviewing the claim submissions (e.g. the required written statement and required signed
2 certification form, along with any optional supplemental documentation); d) tracking of exclusions
3 and objections; e) issuing and mailing Settlement Award checks; f) arranging for the creation and
4 maintenance of a publicly available website; g) responding to Class Member inquiries; h) overseeing
5 the Settlement Fund; i) working with and providing claim submissions to the Independent Claims
6 Expert; and j) for such other tasks as Counsel or the Court orders Rust to perform.

7 4. Rust utilized a mailing address of Rapuano, et. al. v. Trustees of Dartmouth College
8 Settlement, c/o Rust Consulting, Inc. - 6873, P.O. Box 54, Minneapolis, Minnesota 55440-0054 to
9 receive Claim Forms, exclusions, objections, undeliverable Class Notices and other
10 communications regarding the Settlement.

11 5. Rust obtained a toll-free telephone number of (877) 347-4785 for Class Members to
12 call with questions regarding the Settlement. The toll-free telephone number was included in the
13 Class Notices.

14 6. Rust obtained an email address of administrator@dartmouthsettlement.com for
15 receiving communications about the Settlement. The email address was included in the Class
16 Notices.

17 7. Rust obtained a website address of www.dartmouthsettlement.com and set up a
18 website for the Settlement. The website included the Class Notices for viewing, downloading and/or
19 printing, additional information about the Settlement and the option to submit a claim submission
20 online. The website address was included in the Class Notices.

21 8. A draft of the formatted Class Notices was prepared by Rust and approved by
22 Counsel. Attached as **Exhibit A** is a copy of the final Class Notice that was distributed to the
23 majority of Class Members. Attached as **Exhibit B** is a copy of the final Class Notice distributed to
24 individuals who fall solely within Paragraph 2(a)(iv) of the Class Definition and thus must submit
25 a claim submission to receive any compensation. Rust sent Counsel copies of the final personalized
26 Class Notices for each individual.

27 9. Counsel provided Rust with a mailing list containing the names, last known
28 addresses, and email addresses for the Plaintiffs and the Class Members ("Class List"). The mailing
addresses contained in the Class List were processed and updated utilizing a pre-trace to attempt to
locate the most current address utilizing the Class Member's names and last known addresses.
These updated addresses were provided to Counsel to utilize in mailing the Class Notices.

10. On February 12, 2020, a personalized Class Notice was distributed to the Plaintiffs and the Class Members. The Class Notice advised Class Members that they could submit a Claim Form, exclusion or objection postmarked by April 12, 2020.

- i. On February 12, 2020, Rust sent a personalized Class Notice via email to the eighty-seven (87) individuals whose email addresses were contained in the Class List. Of the 87 emails sent, two (2) bounced back as invalid. An updated email address was obtained for one (1) of these individuals and a new notice was successfully sent. On February 12, 2020, Counsel sent a personalized Class Notice via First Class mail to each of the ninety-one (91) Class Members (*see* Declaration of Deborah K. Marcuse (“Marcuse Decl.”) ¶ 50).

11. An additional Class Member was identified on or around February 24, 2020, and a personalized Class Notice was sent to the individual via email. Class Counsel also sent a copy of a personalized Class Notice via First Class Mail (Marcuse Decl. ¶ 52).

12. A total of ninety-two (92) individuals received the Class Notice. The Class Notice attached hereto as Exhibit A was sent to a total of seventy-three (73) individuals. The Class Notice attached hereto as Exhibit B was sent to a total of nineteen (19) individuals.¹

13. Following the distribution of the Class Notice to the Class Members, Rust performed one (1) address trace on a Class Notice returned as undeliverable. The address trace utilizes the Class Member’s name and previous address for locating a current address. Rust was unable to locate a more current address for this individual.

14. As of this date, Rust has received four (4) exclusion requests.

- i. Of the exclusion requests received, four (4) were submitted on or before the Response Deadline. The exclusion requests are attached as **Exhibit C**.
- ii. Copies of the four (4) exclusion requests were provided to Counsel.

15. As of this date, Rust has received zero (0) objections.

16. As of this date, Rust received twenty-nine (29) claim submissions.

- i. Of the twenty-nine (29) claim submissions received, twenty-nine (29) were submitted on or before the Response Deadline.²

¹ Twenty (20) individuals initially received the Class Notice attached as Exhibit B. However, it was later determined that one (1) of these individuals should have received the Class Notice attached as Exhibit A. A revised Notice was sent to her.

² In addition to the 29 claim submissions, one of the four opt-outs submitted a verification form without a written statement.

- I declare under penalty of perjury that the above is true and correct to the best of my knowledge and that this Declaration was executed this 26th day of May 2020, at Minneapolis, MN.

DECLARATION OF SARA SCHWERMER-SWEEN FOR RUST CONSULTING, INC.